

HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA, INC., et al.,

Defendants.

No. C10-1823-JLR

REDACTED

DECLARATION OF JOSH HUTTO

Noted: Friday, April 20, 2012

MOTOROLA MOBILITY, INC., et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

I, Josh Hutto, hereby declare as follows:

1. I am over the age of 21 and make this declaration based on facts within my own personal knowledge. I make this declaration based on facts within my own personal knowledge and, if called upon to do so, I could and would testify competently to these facts.

2. I am currently employed with Microsoft Corporation as the Director of Platform Marketing, IEB Global Marketing, a position I have held for approximately four years. In that capacity, I am responsible for Microsoft's global marketing strategy for the Xbox 360 platform, as well as Xbox 360 game consoles and accessories.

DECLARATION OF JOSH HUTTO - 1

1 3. I understand that Microsoft and Motorola, and/or their affiliates, are engaged in
2 patent infringement litigation in Mannheim, Germany and that, on or about April 17, 2012, the
3 court in Mannheim may issue an order that will permit Motorola, upon posting an appropriate
4 bond, to preclude Microsoft and its affiliates from (a) offering, distributing, using or importing
5 the Xbox 360 game console in Germany and (b) offering or supplying its software products
6 that support the H.264 standard in Germany (the "German order").

7 4. My statements in this declaration regarding the impact of the referenced
8 potential German order are based on my understanding set forth above in paragraph 3 and my
9 understanding that Microsoft intends to take all appropriate steps to ensure compliance with
10 such an exclusion order if and when it becomes effective.

11 5. In my capacity as Director of Platform Marketing, I am familiar with the
12 various impacts that even a temporary exclusion of the Xbox 360 game console from the
13 German market is likely to have on Microsoft and its partners.

14 6. There are several significant ways in which Microsoft would be harmed if and
15 when the German order becomes effective as to Microsoft's Xbox 360 game console.

16 7. Microsoft's Xbox 360 faces intense competition in the game console market
17 from Sony's PlayStation 3 and Nintendo's Wii.

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DECLARATION OF JOSH HUTTO - 2

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DECLARATION OF JOSH HUTTO - 3

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DECLARATION OF JOSH HUTTO - 4

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14.

REDACTED

I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct.

DATED this 21 day of March, 2012, at 5:00 PM in Palm Springs, CA


JOSH HUTTO

DECLARATION OF JOSH HUTTO - 5

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Defendants Motorola Solutions, Inc., Motorola Mobility, Inc., and General Instrument Corporation

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DECLARATION OF JOSH HUTTO - 6

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